

IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Emily Doe)	Civil Action No.: 4:20-cv-04445-SAL
)	
Plaintiff)	
vs.)	<u>FIRST AMENDED</u>
)	SPECIAL INTERROGATORIES TO
American University of Antigua Inc.,)	DEFENDANT ON PERSONAL
)	JURISDICTION¹
Defendant)	
_____)	

**TO: ANGUS H. MACAULAY, ESQUIRE AND BRITTANY CLARK, ESQUIRE,
ATTORNEYS FOR DEFENDANT:**

Plaintiff, Emily Doe (“Emily”), submits the following special interrogatories regarding special or general personal jurisdiction South Carolina sufficient to enable this Court to exercise personal jurisdiction over it in this matter.

DEFINITIONS

1. “Defendant” or “You” shall include American University of Antigua (hereafter “AUA”) as well as its agent Manipal Education Americas, LLC (hereafter “Manipal”) when acting through or for American University of Antigua or providing services to or on behalf of AUA. Pursuant to the affidavit of Leonard Sclafani dated February 18, 2021 (ECF 15-2), ¶¶ 11 - 13, Manipal is a “vendor” through which AUA contracts “in order for AUA to more efficiently fulfill its educational mission. . . Manipal provides back office and administrative services for AUA, including registerarial, recruiting, marketing, IT, financial, accounting and legal services.” As a result, the definition of Defendant includes

¹ Plaintiff reserves her right to full discovery under the Federal Rules of Civil Procedure with respect to discovery on the merits in this action.

Manipal to the extent it provides general operational services to AUA for the provision of medical school education as set forth in the interrogatories set forth below.

2. “Officers and/or employees” shall include all individual person(s) who own, possess or exercise any control over any interest in AUA through membership, stock, stock options, employment, affiliation or otherwise, as well as officers, agents and employees of AUA, including volunteers, part—time and full-time faculty, adjunct faculty, advisory board members and any and all persons who serve[ed] as administration officials as senior administration officials or clerical staff for AUA at any time since January 2016.
3. “Document” includes material collected and stored in any format, including electronic, including but not limited to those documents that are defined in Rule 34(a)(1)A), FRCP. Each responsive document should be identified sufficiently to enable the Plaintiff to request production pursuant to Federal Rule of Civil Procedure 34 and any associated local rule.
4. “Applicant” includes any individual who submitted to AUA any portion of an application for admission to attend AUA at any time since January 2016, including those who were not granted admission as well as those who were admitted but who did not complete the application process for any reason within one year of his initial submission. “Applicant”, however, does not include individuals who are defined herein as “Student[s]”.
5. “Student” includes any individual who has received course credit for any event or occurrence, including individual classes, seminars or events, at AUA, regardless of whether that Student received a degree from AUA.
6. “Graduate” includes any individual who has received a degree of any kind from the American University of Antigua.

7. “Exhibit” is any attachment to these Interrogatories that are attached hereto and referenced herein as an “Exhibit” and shall be considered a part of the Interrogatory(s) which refers to it.
8. “Payor” includes any and all individuals or entities, including any agency of the United States or Canada that have paid any fees to or for AUA for application fees, tuition, program costs, materials costs, residential services or facilities, meal programs and any other payment made directly or via a third party such as Cashnet, Venmo, Paypal or similar third party transactional company as well as through any credit card company or other financial institution, Paypal for or on behalf of any Applicant, Student or Graduate from January 2016 to the present.
9. “Relevant time period” includes the period from January 2016 (when Plaintiff became a student, but does not include the time period when she was an applicant) through May, 2021, when AUA continued to exert control over Plaintiff as a student of AUA.

INTERROGATORIES

1. Identify any and all persons who have served for any period during the relevant time period on ALA’s senior administration, as described in the AUA Advisory Board Mission, attached hereto as **Exhibit A**. As to each, provide the last known address, email and telephone number which you have in your records.
2. Identify which identify all Officers or Employees who have been affiliated in any capacity with AUA during the relevant time period, and as to each, provide the last known contact information for that individual, including all email addresses and telephone numbers known to Defendant.

3. As to each Officer or Employee identified in the previous Interrogatory, identify all state professional licensing information known to you regarding that individual, either presently or at the latest time you have possessed that information. If the requested information is not within the personal knowledge of AUA, inquire of each current or former Officer or Employee to obtain that information and provide it in your response.
4. Identify all of the “prominent American physicians and hospital administrators” who established AUA, as referred to on **Exhibit B**, and as to each, provide the last known contact information for that physician or administrator, including all mail addresses and telephone numbers known to Defendant.
5. Identify by name, address, and last known email and/or telephone, all payors who have paid fees of any kind to AUA at any time for themselves or some other person from credit cards or banking institutions, which list South Carolina as a billing address at any time from January 2016 to the presentⁱ. Payors includes persons who bear partial or full financial responsibility for loans made by third parties for payment to AUA for tuition or other costs for an applicant, student or graduate of AUA.
6. Identity, by name and address and last known email and/or telephone number any and all health care facilities with locations in South Carolina which any student of AUA has listed as a potential placement on their MATCH application or submission through ECFMG (Educational Commission for Foreign Medical Graduates) at any time during the last ten years.
7. Identify, by name and address and last known email and/or telephone number any and all health care facilities which AUA graduates have received a residency appointment at any facility in South Carolina during the relevant time period, regardless of whether that

accepted that residency. As to each, identify the graduate by name as well as his/her last known contact information.

8. Identify any and all officers, agents and/or employees of AUA who have, at any time within the last ten years, joined AUA following any prior professional affiliation or professional position in South Carolina, whether immediately prior or more distantly prior, *i.e.*, name all officer and/or employees of AUA who have had any affiliation with any facility in South Carolina at any time during their professional careers.
9. Identify any and all officers, agents and/or employees of AUA who have, at any time within the relevant time period traveled by private vehicle, bus, multi-passenger vehicle, or other conveyance to or through South Carolina for personal, recreational, educational, vocational or business purposes, and as to each, identify the name of the officer and/or employee, the purpose for such travel, and the last known address, e mail and telephone number for that officer or employee. Do not include trips by Leonard Sclafani to attend court proceedings in South Carolina for this proceeding.
10. Identify all tax years in which Dr. Robert Mallin and/or Dr. Kimberly Mallin claimed a tax deduction for offices at any location in South Carolina, including but not limited to a home office at any time within the past ten years.
11. Set forth or produce documents sufficient to identify all numbers for personal communication devices used by any officer and/or employee of AUA at any time during the relevant time period which have the area code 803, 843 or 864.
12. Identify by city or town the physical location from which each participant or attendee of a Microsoft Teams Meeting(s) (as identified in the attached **Exhibit C**) scheduled by Brianne Schwartz on August 27, 2020 at 3:31 pm participated, including but not limited

to Reza Sanii, Carolyn Edmondson, and Emily-Lauren Maggioncalda as well the physical locations of any person(s) who served as an assistant to any participant or attendee or provided technical support for the Teams Meeting.

13. Identify by city and state the physical location from which Brianne Schwartz sent the Microsoft Team Invite on August 27, 2020 at 3:31 p.m. and the recipient(s) email address to which the Invite was transmitted.
14. Identify by city and state the location to which Plaintiff was assigned to perform academic studies as an AUA student at the time the Microsoft Team Invite on August 27, 2020 at 3:31 p.m. was transmitted.
15. Identify by city and state the physical location from which each participant or attendee of a Microsoft teams Meeting on September 21, 2020 at 5:00 pm attended or connected to the Team meeting (as identified in the attached **Exhibit D**) scheduled by Rachel Osborne, including but not limited to Joe Maggioncalda, Emily-Lauren Maggioncalda, Cynthia Frontin, Karron James, Vernon Lindsay, Samuel Joshua, Joseph Cross, Nikita Srivalsan, Matthew Hogan and Resa Sani as well as the physical location of any person(s) who served as an assistant to any participant or attendee or who provided technical support for the Teams meeting.
16. Identify by city and state or provide documentation to identify by city and state the physical location from which Rosaire Orlowski was believed by this Defendant to be when she transmitted an email and attachments to Emily-LaurenM@auamed.net on September 28, 2020 at 5:08 p.m. **Exhibit E**.
17. Identify or provide documentation to identify by city and state the physical location at which Jason Rivera read an email on which he was copied from Mariel Gutierrez sent on

December 8, 2020 at 11:49 am that was sent to Emily-LaurenM@auamet.net. **Exhibit F.**

18. Identify by city and state or provide documentation to identify by city and state the physical location at which each of the following people were believed by this Defendant to be when they read and/or received an email from Waheeda Amiralli on Thursday, April 1, 2021 at 11:48 am, attached as **Exhibit G:** Emily-LaurenM@auamed.net and Rachel Osborne.
19. Identify or provide documentation to identify by city and state the location from which Waheeda Amiralli transmitted an email on Thursday, April 1, 2021 at 11:48 am *see* **Exhibit G.**
20. Identify or provide documents to identify by city and state the location at which the following individuals were believed by this Defendant to be located at the time of a Microsoft Teams meeting on Wednesday, April 7, 2021 beginning at 2:00 p.m. AST: Rachel Osborne, Sy Jobila, Trevor Ngorosha, Waheeda Airalli, Jasmine Beyk, P. Patel, James Rice, T. LeGrand, Stephen Modise, Jason Rivera, Jerry Jarosinski, Jennifer Cannon, Melissa Morell, Reza Sanii, Emily-Lauren Maggioncalda and the person(s) who receives email at las@lasattorneyss.com. **Exhibit H.** Identify the full name of the individual(s) who receive communications at las@lasattorneys.com.
21. Identify by city and state or provide documents to identify the location from which Rosaire Orlowski transmitted an email to Emily-LaurenM@auamed.net on June 2, 2021 at 5:43 p.m. **Exhibit I.**
22. Identify by city and state or provide documents to identify the locations at which the following individuals were believed to be by this Defendant physically located at any

time on June 2, 2021: Emily Maggioncalda, Peter Bell, Neil Simon, Trevor Ngorosha, Jobila Sy, Leslie Walwyn, Reza Sanii, Craig Hauser, Melissa Moreell. **Exhibit J**.

23. Identify any person or entity who was provided a blind copy or unattributed copy of *see* **Exhibit J**, whether on June 2, 2021 or at any time thereafter.
24. Identify by city and state identify the locations at which the following individuals were believed by this Defendant to be physically located at any time on September 17, 2020: Rachel Osborne, Emily-LaurenM@auamed.net; Cynthia Frontin, Joe Maggioncalda. **Exhibit K**.
25. Identify all individual who received notice or attended, viewed or listened to the Microsoft Teams Meeting scheduled by Rachel Osborne on September 17, 2020 as reflected in *See* **Exhibit K**.
26. Identify any and all contracts to which Jason Rivera is referring in his email to Plaintiff dated February 13, 2020 at 12:14 pm, a copy of which is attached as **Exhibit L**.
27. Describe in detail the efforts undertaken by Dr. Robert Mallin to assist Plaintiff with any clinical work at University of South Carolina School of Medicine and/or Medical University of South Carolina during 2020. See **Exhibit M** attached for reference.
28. In what state, if any, have Dr. Robert Mallin and Dr. Kimberly Mallin maintained driver's licenses and voter's registrations each year for the past ten years?

Respectfully submitted,

s/ Desa Ballard

Desa Ballard (ID# 1179)

Harvey M. Watson III (ID# 9271)

BALLARD & WATSON

226 State Street

West Columbia, SC 29169

Telephone 803.796.9299
Facsimile 803.796.1066
desab@desaballard.com
harvey@desaballard.com

ATTORNEYS FOR PLAINTIFF

August 20, 2021

I, Beth Cogan, an employee of Ballard & Watson,
Attorneys at Law, certify that I have this date served
a copy of First Amended Special RObS on Personal Jurisdiction
on all counsel of record and Pro Se parties by
Sending a copy properly addressed via email.

Date: 8/20/21 Signed: Beth K Cogan

ⁱ No identities of persons so named will be included in a public court filing, so disclosure is solely for purposes of discovery in this action, and no person shall be identified in this litigation without their consent or in the absence of a suitable protective order.



AUA ADVISORY BOARD MISSION:

American University of Antigua's (AUA) advisory board's mission is to advise and consult AUA's senior administration on fulfilling AUA's mission to providing a learner-centric education of the highest quality, granting opportunities to underrepresented minorities, fostering a diverse academic community, and ensuring that its graduates develop the skills and attitudes of lifelong learning, compassion, and professionalism.

Advisory Board Members:

Timothy Bishop

Former Representative Bishop holds a BA in History from The College of the Holy Cross in Worcester, MA and a Masters degree in Public Administration from C.W. Post of LIU in Brookville, NY. Bishop served Southampton College for 29 years, leaving the chief executive position of Provost in 2002 to make his first-ever run for office, when he was elected to represent New York's 1st Congressional District and continued to serve in the House of Representatives for six terms.

In 2002, ran to represent New York's 1st Congressional District in the U.S. House of Representatives. The district covers the eastern half of Long Island, starting at Long Island MacArthur airport in Islip and extends east to Montauk and Orient Points. As a member of the House Education and the Workforce Committee, Rep. Bishop was recognized as one of the strongest advocates in Congress for college access and affordability. He helped write key provisions of legislation helping millions of students pay for college at no new cost to taxpayers. He played an integral role in the negotiations to make unprecedented investments in the Pell Grant program and to make the transition to direct student lending.

Since leaving the Congress, Tim Bishop has joined St. Joseph's College in Patchogue, NY as a Distinguished Professor of Civic Engagement and Public Service and was appointed by New York State Governor Andrew Cuomo as a Director of the New York State Environmental Facilities Corporation. Bishop has accepted positions on the Board of Directors of Social Accountability International and The Sergeant Sullivan Center. Both board commitments allow Bishop to continue on two of his top priorities in the Congress; working to ensure workplace protections and service to our Veterans, particularly in the area of post deployment health.

Dr. John Hansen

Dr. Hansen is Professor of Neurobiology and Anatomy and Associate Dean for Admissions at the University of Rochester School of Medicine and Dentistry. Dr. Hansen received his B.A. degree from Beloit College, his M.S. from Creighton University, and his Ph.D. in Anatomy from Tulane University in 1974. Dr. Hansen's dissertation research focused on the cell biology, ultrastructure, and neurophysiology of the aortic body chemoreceptors.

In 1985, Dr. Hansen was recruited to the Department of Neurobiology and Anatomy at the University Of Rochester Medical Center, where he also assumed the directorship of their revamped Human Structure and Function course (anatomy and embryology). Dr. Hansen has received numerous teaching awards from medical schools at three different schools and in 1999 was the recipient of the Alpha Omega Alpha Robert J. Glaser Distinguished Teacher Award from the AAMC. He also has been recognized locally by receiving the Gold Medal Award ("for integrity, inspiring teaching, and devotion to medical students") from the URMCI Alumni Association, the Award of Merit from the Rochester Academy of Medicine and was the first recipient of the Presidential Diversity Award at the University of Rochester. Dr. Hansen has been a consultant on various aspects of medical school pre-clinical science curricular design at 14 U.S. and 5 foreign medical schools.

In addition to over 110 research publications, book chapters and books, and over 90 meeting abstracts, Dr. Hansen is also a co-editor of *Clinical Anatomy*, the lead consulting author of *Netter's Atlas of Human Anatomy*, author of *Netter's Clinical Anatomy*, *Netter's Flash Cards*, the *Essential Anatomy Dissector*, and co-author of *Netter's Atlas of Physiology* and the *TNM Staging Atlas with Oncoanatomy*.

Alice Huffman

Alice Huffman began her tenure as President of the California NAACP in January 2000. Under her leadership, the organization has accelerated into one of the most sought after organizations in California's policy arena. She believes that the NAACP is the constant voice for low income African Americans and students trapped in low performing schools. She is a member of the National Board of Directors of the NAACP.

Huffman is an appointee of Governor Schwarzenegger's to the State Parks and Recreation Commission and the California Complete Count Committee for the 2010 Census. She is President of Future PAC, a National organization that supports the election of progressive African American women. She serves on the Board of the Center for Democratic Participation and is a member of the California Democratic Party Executive Committee and the Democratic National Committee. She also serves on the Help America Vote Advisory Committee and Wells Fargo Company Advisory Committee. Huffman is President and CEO of her consulting firm A.C. Public Affairs, Inc. (ACPA). ACPA is a California Corporation specializing in initiative campaigns, strategic public policy issues and grassroots organizing.

She graduated from UC Berkeley with honors in Social and Cultural Anthropology and did extensive graduate work in University of Pennsylvania, UC Berkeley and USC. She is a member of Phi Beta Kappa. She has many distinguished awards and enjoys outstanding relations with state and national leaders.

Dr. Larry Griffith

Since 1998, Dr. Griffith has been a medical director at Johns Hopkins Medicine International. He trained in surgery and internal medicine at Strong Memorial Hospital in Rochester, NY, and cardiology at the Johns Hopkins Hospital (JHH). In 1971, Larry joined the full-time faculty in the School of Medicine and was promoted to Professor in 1988. During his time at JHH, Larry has been the Director of the Adult Catheterization Laboratory, and clinician on the Arrhythmia Service when Implantable Cardioverter-Defibrillators were first used clinically. Larry was director of the Physical Diagnosis Course for second year medical students for twenty-two years and, since 1996, director of a large initiative to improve communication with Community Referring Physicians.

Dr. Ebrahim Kermani

Dr. Kermani graduated from Tehran School of Medicine and completed a General Psychiatry and Child Psychiatry Residency at New York University School of Medicine. He's a Distinguished Life Fellow of the American Psychiatric Association and Triple Board Certified in General Psychiatry, Child, and Adolescent Psychiatry and Forensic Psychiatry. He is currently a Clinical Professor of Psychiatry New York University School of Medicine where he is also an attending physician at Tisch Hospital. As part of the faculty at NYU, Dr. Kermani taught medical students and residents in psychiatry.

Dr. Kermani has published numerous scientific papers in peer review journals. His opinions have been cited in the textbooks and academic journals. In addition, Dr. Kermani was Chairman of Psychiatry at Ross University School of Medicine until December 2014. He developed a psychiatric curriculum and oversaw the goals and objectives of the RUSM teaching program were fully implemented at the affiliated teaching hospitals.

Dr. Robert Wilmouth

Dr. Wilmouth was named president of Rocky Mountain College in April 2013, and he comes to the presidency after serving as the program director of Rocky Mountain College's Master of Physician Assistant Studies Program since June 2008. Dr. Wilmouth brings extensive leadership experience to Rocky Mountain College along with interests in fundraising, cost containment, and marketing outreach services.

An Illinois native, Dr. Wilmouth earned his bachelor's degree from the University of Notre Dame and his medical degree from the University of Illinois. From 1991-2004, Dr. Wilmouth worked as a cardiac, thoracic, and vascular surgeon for Billings Clinic; during his time at Billings Clinic, Dr. Wilmouth also served as medical director (1995-2001) and chief of cardiac services (1997-2003). Since 2005, Dr. Wilmouth has been part of the faculty at the Institute for Healthcare Improvement (Cambridge, Mass.), and in 2008, he joined RMC as the program director and assistant

professor for the Master of Physician Assistant Studies Program.

Dr. Wilmouth holds certifications from the American College of Surgeons, the National Board of Medical Examiners, the American Heart Association, the American Board of Surgery, and the American Board of Thoracic Surgery. He has also devoted time to numerous organizations and committees, including Mountain-Pacific Quality Health Foundation, Cambridge Health Resources, Riverstone Health Foundation, American Medical Director Association, Montana Medical Association, and Society of Thoracic Surgeons.



MESSAGE from the PRESIDENT

American University of Antigua College of Medicine (AUA) was established by prominent American physicians and hospital administrators to provide qualified applicants the opportunity to receive an American medical education.

AUA's medical education program is modeled on those of medical schools in the United States. Consistent with the new paradigm in US medical education, AUA students commence clinical exposure in the start of the first year at our hospital affiliate in St. John's, Antigua.

AUA is committed to offering a quality basic sciences medical education program that provides students with experienced and capable faculty, small classes, and the latest medical education technology.

In addition to providing students with clinical opportunities at our hospital affiliate, AUA has established clinical rotations for its students at some of the finest teaching hospitals in the United States and has expanded its clinical reach to hospitals in Canada, India and Great Britain.

It is AUA's mission and my pledge as president to provide you with the best medical education available and ensure that you receive the education you require to achieve your goal of becoming a successful, well-respected, licensed physician.

A handwritten signature in black ink, appearing to read "Neal S. Simon". The signature is fluid and cursive, with a large initial "N" and "S".

Neal S. Simon

President, American University of Antigua College of Medicine



From: Schwartz ,Brianne <bschwartz@auamed.net>

Sent: Thursday, August 27, 2020 3:31 PM

To: Sanii ,Reza; Edmondson, Carolyn; Maggioncalda ,Emily-Lauren

Subject: Interview with Dr. Sanii

Join Microsoft Teams Meeting

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● Interview with Dr. Sanii

🕒 Mon 8/31/2020 12:00 PM - 1:00 PM

📍 Microsoft Teams Meeting


📅 Calendar

🕒 Remind me: 15 minutes before ▾



[Join Microsoft Teams Meeting](#)

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 Join Teams meeting

Organizer


 SB Schwartz ,Brianne

▾ Yes: 1

 Edmondson, Carolyn
Required

▾ Didn't respond: 2

 SR Sanii ,Reza
Required

 ME Maggioncalda ,Emily-Laur...
Required



✓ Yes, I'll attend ▾ ⌂ Reply all ▾ 🗓 Busy ▾ 🏷 Categorize ▾ 🗑 Delete ⋮

● Professional Standards Committee Hearing - Emily Lauren-Maggioncalda

Join Teams meeting

🕒 Mon 9/21/2020 5:00 PM - 6:00 PM

📍 Microsoft Teams

📅 Calendar

🕒 Remind me: 15 minutes before ▾

☰ Good Day Hearing Panel,

The Professional Standards Committee Hearing - Emily Lauren-Maggioncalda is scheduled on Monday September 21st, 2020 4:00 - 5:00pm.

Regards,
Rachel Osborne

[Join Microsoft Teams Meeting](#)

[Learn more about Teams](#) | [Meeting options](#)

Organizer

Osborne ,Rachel

▾ Yes: 3

maggicmd@gmail.com
Required

Maggioncalda ,Emily-Laur...
Required

Frontin, Cynthia
Required

▾ Didn't respond: 6

James ,Karron
Required

Lindsay, Vernon
Required

Joshua, Samuel
Required

Cross, Joseph
Required

Srivalsan, Nikita
Required



From: Rosaire Orlowski <rorlowski@AUAMED.ORG>
Sent: Monday, September 28, 2020 5:08 PM
To: Maggioncalda ,Emily-Lauren <Emily-LaurenM@auamed.net>
Subject: Professional Standards Decision Letter

Good Afternoon,

Please find attached the letter regarding the Professional Standards decision.

Please send me an e-mail verifying receipt of this message and provide a current mailing address.

Thank you.

Sincerely,

Rosaire Orlowski
Administrative Assistant

P: (212) 661-8899 x166
rorlowski@auamed.org

Manipal Education Americas, LLC representative for
American University of Antigua College of Medicine

1 Battery Park Plaza, 33rd floor
New York, NY 10004

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AMERICAN
UNIVERSITY
of ANTIGUA

COLLEGE OF MEDICINE

September 28, 2020

Emily Maggioncalda
134 North Gate Road
Myrtle Beach, SC 29572

Dear Ms. Maggioncalda:

I write to advise you of the findings of the Professional Standards Committee and my decision, based on its report.

A hearing was conducted on September 21, 2020, based on allegations brought forward by Clinical Science Administration staff that you violated the AUA honor code by falsifying a clinical document. You were provided with notice of the Professional Standards Committee hearing and given the opportunity to present evidence at the meeting.

The Professional Standards Committee investigated the allegations that you falsified a clinical document. After hearing all of the evidence, the Committee found that you behaved unprofessionally and that you are in violation of the AUA student honor code of conduct.

I reviewed the Committee's report and agree with the Committee's findings. Based on the deliberations and recommendation of the Professional Standards Committee, you are hereby dismissed from American University of Antigua College of Medicine with immediate effect.

You displayed unprofessional behavior not only by falsifying a document, but also by potentially endangering patients and staff as the purpose of the document you falsified is to ensure that you, as a medical student, do not pose a threat to the health and well-being of others.

Please be reminded that American University of Antigua College of Medicine expects all students to behave according to the students' honor code; and that there is no place for the unacceptable conduct you have exhibited.

As set forth in your Student Handbook, you have the right to appeal my determination to the President of the University. The Student Handbook sets forth the processes and procedures governing such an appeal.

In the event that you do not exercise your right of appeal in accordance with those processes and procedures; my decision will become final.

Sincerely yours,

E-Signed By:

Peter Bell, MD
VP Global Medical Education
Manipal Education Americas &
Executive Dean Clinical Sciences
American University of Antigua
College of Medicine

cc: Mr. Neal Simon – President, American University of Antigua
Mr. Prabhu Marudheri – Chief Administrative Officer, American University of Antigua
Dr. Trevor Ngorosha - Chair, Professional Standards Committee
Dr. Karron James – Chair, Hearing Panel
Dr. Reza Sanii – Dean of Students and Graduate Affairs
Dr. Matthew Hogan – Associate Dean, Clinical Sciences
Mr. Craig Hauser - Vice President for Academic Administration
Ms. Melissa Morell – University Registrar and Executive Director - Clinical Sciences Administration



Murray, Maria

From: Jason Rivera <jrivera@AUAMED.ORG>
Sent: Wednesday, February 3, 2021 2:54 PM
To: Melissa Morell
Cc: Teneshea LeGrand
Subject: FW: External RE: January 2021 Remote Elective

FYI

Best Regards,

Jason Rivera
Clinical Coordinator H - O

p: (212) 661-8899, ext. 214
p: (646) 790-4214
jrivera@auamed.org

Manipal Education Americas, LLC Representative for
American University of Antigua College of Medicine

40 Wall Street, 10th Floor,
New York, NY 10005
www.auamed.org

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From: Mariel Gutierrez [mailto:mariguti@fiu.edu]
Sent: Tuesday, December 8, 2020 11:49 AM
To: Maggioncalda, Emily-Lauren <Emily-LaurenM@auamed.net>
Cc: Jason Rivera <jrivera@AUAMED.ORG>
Subject: External RE: January 2021 Remote Elective

CAUTION: Be Careful when opening up links and attachments.

Good morning Emily,
AUA has notified me not to proceed with placement. For more information, please contact your AUA Coordinator.

Regards,

Mariel Gutierrez, MPH, MBA
 Program Manager
 Office of International Affairs



11200 SW 8th St., AHC4-281
 Miami, Florida 33199
 Direct: 305-348-0658 | Fax: 305-348-7431
 Email: mariguti@fiu.edu



Wear a face covering and do not touch your face Wash your hands or use hand sanitizer Practice physical distancing and stay 6ft apart Stay home if you feel ill Clean surfaces

Please consider the environment before printing this email.

CONFIDENTIALITY NOTICE: This email, including any attachments, may contain information from The FIU College of Medicine, which may be confidential or privileged. The information is intended for the use of the individual or entity named above. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this email in error, please notify the sender immediately by a "reply to sender only" message and destroy all electronic and hard copies of the communication, including attachments. *Thank You!*

From: Maggioncalda, Emily-Lauren <Emily-LaurenM@auamed.net>
Sent: Monday, December 7, 2020 4:36 PM
To: Mariel Gutierrez <mariguti@fiu.edu>
Cc: Rivera, Jason <jrivera@AUAMED.ORG>
Subject: January 2021 Remote Elective

Note: This message originated from outside the FIU Faculty/Staff email system.

Hi Mariel,
 I wanted to check in on my request for January 2021 remote rotation elective. My request was sent November 17th. The form is attached.
 Thank you

Emily L. Maggioncalda

Biology B.S / Psychology B.S
 College of Charleston- Class of 2016
 Medical University of South Carolina Neurosciences- Adkins Lab
 American University of Antigua | College of Medicine- M.D Candidate
 (843)-457-4197
elmaggio@g.cofc.edu



From: Amiralli ,Waheeda <wamiralli@auamed.net>
Sent: Thursday, April 1, 2021 11:48 AM
To: Maggioncalda ,Emily-Lauren <Emily-LaurenM@auamed.net>
Cc: Osborne ,Rachel <ROsborne@auamed.net>
Subject: Unprofessional conduct hearing

Dear Emily Lauren,

I am writing on behalf of AUA's Professional Standards Committee to inform you that the following formal charge of unprofessional conduct has been made against you upon the referral of Dr. Peter Bell, M.D., AUA's Executive Dean of the Clinical Sciences.:

You have engaged in the unauthorized practice of medicine and have violated AUA's published policies regarding participation in clinical clerkships by a medical student in that, between the period January 4, 2021 and January 20, 2021, while on suspension about which you were fully informed, which suspension was the result of your prior breach of AUA's ethical standards, you participated in an elective clinical rotation in Pain Management at and through Florida International University's Herbert Wertheim College of Medicine. You did so without the written approval of your clinical coordinator as required by AUA's published policies, including its Student Handbook and Clinical Clerkship Guidelines and with full knowledge and understanding that you were not permitted or authorized to participate in the clerkship.

A hearing before a hearing panel of the Professional Standards Committee will be held on **Wednesday April 7, 2021 at 1pm Antigua time**, unless, for good reason, you request and are granted an adjournment of the hearing to another date and time. I am acting as the Committee's Designated Member as that term is defined in AUA's Student Handbook under the section that sets forth the rules, policies and procedures of the Committee, among other information. I strongly recommend that you review that section of the handbook. While you will not be permitted representation by counsel at the hearing, you are free to consult with counsel of your choice to aid in preparation for the hearing. You also may seek my assistance in securing witnesses or documents that you would like to present at the hearing in your defense but that you are not able on your own to secure. At the hearing, you will be afforded all of the rights as are set forth in the Student Handbook. The hearing will proceed remotely. I have attached to this email all of the documents that the Committee believes are relevant and material to this matter. The Committee expects that the following persons will provide evidence and testimony in support of the charge against you:

Melissa Morell, Director, Clinical Sciences Administration

Jelani Bustamone, Clinical Coordinator

Tenesshea LaGrand, Manager, Clinical Sciences Administration

Dr. Reza Sanii, M.D., Dean of Students

Dr. James Rice, M.D., Associate Dean of Students

Ishori Shecrchan, Software Developer

Michael Vega, FIU Program Coordinator, Office of International Affairs, Herbert Wertheim College of Medicine

Mariel Gutierrez, FIU clerkship coordinator

Leonard Sclafani, Esq, MEA Sr. V.P. and General Counsel

The first three of these witnesses will provide testimony and documents about AUA's policies regarding the participation in a clerkship and the need for written approval to do so from the student's clinical coordinator. They will also testify as to their involvement in the discovery that you engaged in the FIU clerkship giving rise to this charge without having obtained that written permission and while you were on suspension.

Ms. Sherchan will testify as to your correspondence with her in which you advised that you had participated in the subject clerkship.

Dr. Sanii and/or Dr. Rice will testify and provide correspondence from your counsel to the effect that you would not answer their questions or otherwise participate in the proceedings that you now face due to your being a suspended student.

Mr. Vega will testify and provide documents showing how you were able to participate in the subject clerkship notwithstanding that you were not approved or authorized to do so. He will also provide correspondence from you evidencing your participation in the subject clerkship.

Ms. Gutierrez will testify that she advised you in writing prior to your participation in the FIU clerkship that you were not authorized to do so. She will provide written email correspondence to you so stating.

Mr. Sclafani may also be called to testify and provide documents, including correspondence between him and your counsel evidencing your knowledge that you were suspended and not authorized or permitted to participate in any clerkships during the period that you participated in the subject FIU clerkship.

Dr Waheeda Amiralli
Professor Clinical Medicine department
PSC
AUA

EXHIBIT

tabbles

H



Professional Standards Committee Hearing - Emily Maggioncalda

Follow up



This event occurred 3 months ago (Wed 4/7/2021 2:00 PM - 3:00 PM)



Remote: Teams meeting



You invited you Accepted 9, Declined 3, Didn't respond 4

Messages

Meeting Details

Good Day,

The Professional Standards Committee hearing for Ms. Emily Maggioncalda is scheduled Wednesday 7th, 2021 at 1:00pm - 2:00pm AST (Antigua Time). Please see meeting link below.

Regards,

Rachel Osborne

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Organizer

OR Osborne, Rachel

✓ Yes: 9

 Jobila Sy
Required

 NT Nqorosha, Trevor
Required

 AW Amirali Waheeda
Required

 BJ Beyk, Jasmine
Required

 P ppate1@sun.com
Required

 RJ Rice, James
Required

 T tlegrand@AUAMED.ORG
Required

 Modise, Stephen
Required

This event occurred 3 months ago (Wed 4/7/2021 2:00 PM - 3:00 PM)

Remote; Teams meeting

You invited you Accepted 9, Declined 3, Didn't respond 4

Messages Meeting Details

[Click here to join the meeting](#)

[Learn More | Meeting options](#)

Meeting Insights

Here's information you might find relevant to this event. You'll only see content you have access to.

Files

Maggioncalda, Emily-Lauren
Sent at 11:37 AM

Registration status_Redacted[2][1].pdf
Fw: Unprofessional conduct

Emails
Maggioncalda, Emily-Lauren

Follow up ▾

Modise, Stephen

Jason Rivera

No: 3 ▾

Jarosinski, Jeffrey

Cannon, Jennifer

Melissa Morell

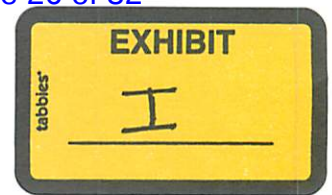
Didn't respond: 4 ▾

Sanji, Reza

Maggioncalda, Emily-Lauren

Jason Rivera

Ias@iasattorneys.com



From: Rosaire Orlowski <rorlowski@AUAMED.ORG>
Sent: Wednesday, June 2, 2021 5:43 PM
To: Maggioncalda ,Emily-Lauren <Emily-LaurenM@auamed.net>
Subject: Professional Standards Decision Letter

Good Afternoon,

Please find attached the letter regarding the Professional Standards decision.

Please send me an e-mail verifying receipt of this message and provide a current mailing address.

Thank you.

Sincerely,

Rosaire Orlowski
Administrative Assistant

P: (212) 661-8899 x166
rorlowski@auamed.org

Manipal Education Americas, LLC representative for
American University of Antigua College of Medicine

40 Wall Street, 10th Floor
New York, NY 10005

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AMERICAN
UNIVERSITY
of ANTIGUA

COLLEGE OF MEDICINE



June 2, 2021

Emily Maggioncalda
134 North Gate Road
Myrtle Beach, SC 29572

Dear Ms. Maggioncalda:

I write to advise you of the findings of the Professional Standards Committee and my decision, based on its report.

A hearing was conducted on May 27, 2021, based on allegations brought forward by the Clinical Science administration that you violated the AUA honor code by attending a clinical rotation while under suspension. You were provided with notice of the Professional Standards Committee hearing and given the opportunity to present evidence at the meeting.

The Professional Standards Committee investigated the allegations that you attended a clinical rotation while under suspension. After hearing all of the evidence, the Committee found that you behaved unprofessionally and that you are in violation of the AUA student honor code of conduct.

I reviewed the Committee's report and agree with the Committee's findings. Based on the deliberations and recommendation of the Professional Standards Committee, you are hereby dismissed from American University of Antigua College of Medicine with immediate effect.

You displayed unprofessional behavior by attending a clinical rotation while under suspension. Please be reminded that American University of Antigua College of Medicine expects all students to behave according to the students' honor code; and that there is no place for the unacceptable conduct you have exhibited.

As set forth in the Student Handbook, you have the right to appeal my determination to the President of the University. The Student Handbook sets forth the processes and procedures governing such an appeal.

In the event that you do not exercise your right of appeal in accordance with those processes and procedures; my decision will become final.

Sincerely yours,

E-Signed By:

Peter Bell, MD
VP Global Medical Education
Manipal Education Americas &
Executive Dean Clinical Sciences
American University of Antigua
College of Medicine

cc: Mr. Neal Simon – President, American University of Antigua
Dr. Trevor Ngorosha - Chair, Professional Standards Committee; Assistant Professor and Deputy
Chair, Education Enhancement Department
Dr. Jobila Sy – Chair, Hearing Panel; Associate Professor and Chair, Education Enhancement
Department
Dr. Leslie Walwyn – Co-Chair Professional Standards Committee; Professor,
Department of Clinical Medicine Chairperson; and Course Director, Global Health Track
Dr. Reza Sanii – Dean of Students and Graduate Affairs
Mr. Craig Hauser - Vice President for Academic Administration
Ms. Melissa Morell – University Registrar and Executive Director - Clinical Sciences Administration



From: Osborne ,Rachel <ROsborne@auamed.net>
Sent: Thursday, September 17, 2020 8:59 AM
To: Maggioncalda ,Emily-Lauren <Emily-LaurenM@auamed.net>; Frontin, Cynthia <CFrontin@auamed.net>; maggicmd@gmail.com<maggicmd@gmail.com>
Subject: Professional Standards Committee Hearing - Emily Lauren-Maggioncalda
When: Monday, September 21, 2020 5:00 PM-6:00 PM.
Where: Microsoft Teams

Good Day Hearing Panel,

The Professional Standards Committee Hearing - Emily Lauren-Maggioncalda is scheduled on Monday September 21st, 2020 4:00 - 5:00pm.

Regards,
Rachel Osborne

[Join Microsoft Teams Meeting](#)

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**Professional Standards Committee Hearing - Emily Lauren-Maggioncalda****Follow up** This event occurred **9 months ago** (Mon 9/21/2020 5:00 PM - 6:00 PM)

Microsoft Teams ; Teams meeting



Osborne ,Rachel invited you Accepted 3, Didn't respond 6

Messages**Meeting Details**

5:00pm.

Regards,
Rachel Osborne**Join Microsoft Teams Meeting**[Learn more about Teams](#) | [Meeting options](#)**Meeting Insights**

Here's information you might find relevant to this event. You'll only see content you have access to.

Files

Maggioncalda ,Emily-Lauren

Yes: 3maggicmd@gmail.com
RequiredMaggioncalda ,Emily-Lauren
RequiredFrontin, Cynthia
Required **Didn't respond: 6**James ,Karron
RequiredLindsay, Vernon
RequiredJoshua, Samuel
RequiredCross, Joseph
RequiredSrivalsan, Nikita
Required

Hogan, Matthew



AMERICAN UNIVERSITY OF ANTIGUA COLLEGE OF MEDICINE

All kam richardson

New message

Delete Archive Junk Move to Categorize

Results Filter

Scheduling

Favorites

Inbox

Sent Items

Drafts 121

Add favorite

Folders

Inbox

Drafts 121

Sent Items

Scheduled

Deleted It... 43

Junk Email 938

Archive

Notes

Conversation ...

New folder

Results

Maggioncalda ,Emily-Lauren 2/18/2020
> HCA Agreement
Afternoon Dr. Mallin, Hope all is...

Maggioncalda ,Emily-Lauren 2/13/2020
Scheduling
Jason, I do not know the Pr...

Richardson Kam 2/5/2020
> HCA
Hello Emily: No, I have not hear...

Jason Rivera 1/22/2020
HCA accreditation
Good morning Emily, I do not h...

[Draft]
(No subject) 1/15/2020
Emily L. Maggioncalda Biology ...

Maggioncalda ,Emily-Lauren 4/26/2019
> Interfaith Medical Cent...
Get Outlook for iOS

+2

Brusch, Sharon 5/1/2018
Campus Update Newslett...
Good day, Please see the latest ...

transcript request form(takes 3-5 business days) but they want my application within next 24hrs.
Thank you

Get Outlook for iOS

...

Jason Rivera <jrivera@AUAMED.ORG>
Thu 2/13/2020 12:14 PM
To: Maggioncalda ,Emily-Lauren

Good afternoon Emily,

We were able to get the contract signed. Please workout which dates you would like to rotate and resubmit the non-affiliate form or forms if scheduling more than one elective there. Once received I will get moving on processing the request and getting it confirmed internally.

Best regards,

Jason Rivera
Clinical Coordinator H - O

p: (212) 661-8899, ext. 214
p: (646) 790-4214
jrivera@auamed.org

Manipal Education Americas, LLC Representative for
American University of Antigua College of Medicine

1 Battery Park Plaza, 33rd floor
New York, NY 10004
www.auamed.org



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All kam richardson Maggioncalda, Em...

New message

Delete Archive Junk Move to Categorize ...

Favorites

Inbox

Sent Items

Drafts 121

Add favorite

Folders

Inbox

Drafts 121

Sent Items

Scheduled

Deleted Items 43

Junk Email 938

Archive

Notes

Conversation ...

New folder ...

Results Filter

> Requested Documents 2/19/2020
Hi Emily: Clinician Nexus require...

Maggioncalda, Emily-Lauren
> HCA Hospital Agreement... 2/19/2020
Emily L. Maggioncalda Biol...

Maggioncalda, Emily-Lauren
> HCA Agreement 2/18/2020
Afternoon Dr. Mallin, Hope all is...

Maggioncalda, Emily-Lauren
Scheduling 2/13/2020
Jason, I do not know the Pr...

NEW NON-AFFI...

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Good morning Emily, I do not h...

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(No subject) 1/15/2020
Emily L. Maggioncalda Biology ...

Maggioncalda, Emily-Lauren
> Interfaith Medical Cent... 4/26/2019
Get Outlook for iOS

HCA Agreement

Maggioncalda, Emily-Lauren
Tue 2/18/2020 1:30 PM
To: Maggioncalda, Emily-Lauren

Afternoon Dr. Mallin,
Hope all is well, just wanted to touch base with you about SC hospitals. I was able to get a contract at Grand Strand in Myrtle Beach for both Internal and Anesthesia. I'm starting Aug 3rd- Sep 25th, the rotations are back to back. Were you able to find out if either MUSC or Palmetto Health accept IMGs?
Thank you!

Get [Outlook for iOS](#)

...

Reply Forward

Robert Mallin <rmallin@AUAMED.ORG>
Thu 1/16/2020 3:13 PM
To: Maggioncalda, Emily-Lauren
Cc: Bell, Peter

Emily-Lauren,
I will copy Dr. Bell on your email. He will need to authorize and assist in any hospital agreements. I am waiting to hear from UCSOM, and will be in Charleston in a couple of weeks to see what MUSC might be willing to do, and will get back to you about that.

Robert Mallin, MD
University Provost

Phone: (212) 661-8899 ext. 273

rmallin@auamed.org

American University of Antigua College of Medicine
C/O MEA